

36265 Trenton Court
Farmington Hills, MI 48335-1270
November 14, 2003

Phone: 248-477-2750

Supreme Court Clerk
P.O. Box 30052
Lansing, Michigan 48909

RE: Court Rule NO. 2003-47

Honorable Justices:

This is regarding proposed Court Rule NO. 2003-47, wherein you are proposing to change the rule of law which allows individuals with non-cancerous asbestos lung disease (asbestosis) to seek and recover damages against the asbestos manufacturers and the property owners who allowed asbestos to be used by workers.

I am appalled that such an action is even being contemplated. Why would the Supreme Court of Michigan consider an action which seems to me to be in direct contravention of the Michigan Constitution and the United States Constitution about the separation of powers between the different branches of government? Why would the Michigan Supreme Court, of all bodies of government, want to change the law and deprive workers of their constitutional right to have a jury hear their cases?

The Michigan Constitution, as well as the United States Constitution, makes it clear that judges are not to make the law but rather interpret the law. Why would the Michigan Supreme Court even propose an action that on its face seems to be unconstitutional and deny Michigan workers with asbestos disease the right to a just and fair trial by jury?

What are the true facts about asbestos litigation in Michigan? In fact, in the last four years there has been only one asbestos case tried to verdict in the entire State of Michigan.

Please let the current law stand and do not take away one of most powerful bargaining incentives that helps bring about settlements of asbestos claims before they find their way into the State's Courts.

Sincerely,



Homer Hall

